S.B. CRIMINAL REVISION PETITION NO. 357/2006.
(SOHAN SINGH VS. VIJAY KUMAR)

DATE OF ORDER : 22.05.2006.

HON'BLE MR. H.R. PANWAR, J.

Mr.M.K. Garg for the petitioner.

Learned counsel for the petitioner wishes to withdraw the present revision petition. The revision petition is dismissed as withdrawn.

(H.R. PANWAR)J.

Anil/

S.B. CRIMINAL MISC. PETITION NO. 647/2006.
(RAM LAL MEENA VS. STATE & ANR.)

DATE OF ORDER : 22.05.2006.

HON'BLE MR. H.R. PANWAR, J.

Mr.Manish Shishodia for the petitioner.
Mr.JPS Chaudhary Public Prosecutor.

Learned counsel for the petitioner does not want to press the instant misc. Petition. The misc. petition is, therefore, dismissed as not pressed.

(H.R. PANWAR)J.

Anil/

S.B. CR.MISC. II BAIL APPLICATION NO. 1960/2006.
(SHAREEF @ HODA VS. STATE)

DATE OF ORDER : 22.05.2006.

HON'BLE MR. H.R. PANWAR, J.

Mr.Pradeep Shah for the petitioner.
Mr.JPS Chaudhary, Public Prosecutor.

Learned counsel for the petitioner does not want to press the present second bail application. The second bail application is, therefore, dismissed as not pressed.

(H.R. PANWAR)J.

Anil/

S.B.Cr.Misc. Bail App. No. 474/2006.
IN
S.B.CRIMINAL APPEAL NO. 411/2006.

Date of order : 22.05.2006.

HON'BLE MR.JUSTICE H.R. PANWAR

Mr. D.S. Beniwal for the applicant-appellant.
Mr. JPS Chaudhary Public Prosecutor.

Heard.

Admit. Issue notice.

Mr. JPS Chaudhary, Public Prosecutor accepts notice on behalf of State.

Heard learned counsel for the parties on the application for suspension of sentence. At this stage, learned counsel for the applicant-appellant does not press the request for suspension of conviction, however, argued on suspension of sentence.

It is contended by learned counsel for the applicant-appellant that the injury No.1 suffered by PW-5 Amra Ram has been assigned to the present applicant – appellant, which is though grievous in nature, but by blunt object on right hand. The grievous injury caused by sharp edged weapon on the head of the accused has been assigned to co-accused Chaina Ram.

I have carefully gone through the report of Radiologist PW-6, which shows that the injury No.1

assigned to the applicant-appellant resulted into the fracture of right ulna by blunt object where as applicant was said to have been armed with sharp edged weapon ("koot"). Be that as it may, having considered the totality of facts and circumstances of the case and looking to the short sentence, I think it just and proper to suspend the substantive sentence of imprisonment awarded to the accused appellant/applicant.

Accordingly, the bail application filed under Sec. 389 Cr.P.C. is allowed and it is ordered that the substantive sentence passed by the learned Additional Sessions Judge (Fast Track) No.1 Jodhpur vide judgment dt. 27.04.2006 in sessions case No.118/2005 against the applicant-appellant Lakha Ram s/o Shiv Ram shall remain suspended till final disposal of the aforesaid appeal provided he executes a personal bond in the sum of Rs. 20,000/- with two sureties of Rs.10,000/- each to the satisfaction of the learned trial Judge for his appearance before this court on 10.07.2006 and whenever ordered to do so with the incorporation in the bond that as and when he will shift his place of residence, he will intimate to this Court and his lawyer about his new place of residence.

(H.R. PANWAR)J.

Anil/